

THE 1508 / 1504

Vestry laid Open;

Or, A Full and Plain
DETECTION
Of the many
GROSS ABUSES, IMPOSITIONS, and
OPPRESSIONS
O F
SELECT-VESTRIES.

In Two PARTS.

Part I. Containing an Account of the Duty of PARISH OFFICERS, with Respect to their Election, Assessments, Application of the Publick Money, Accounts, &c.

Part II. Many Instances of Abuses in every Branch of their Duty: With a Proposal for a Reformation of the Tyrannical Oppressions of these Officers.

With Remarks upon the Electing and Fining of Constables, the unequal Billeting of Soldiers, &c.

Necessary for all Householders in Town and Country:

By JOSEPH PHIPPS.

There is not a greater Abuse in the World, than that of Select-Vestries; it is the most flagrant of Tyrannies; for while the King gives us the full Enjoyment of our Liberties, these Select-Vestries make us the greatest Slaves imaginable. Nor is there any Redemption, unless the Legislature take us from the Jaws of these Devourers, who constitute themselves our Rulers in Æternum.

Dan. Defoe.

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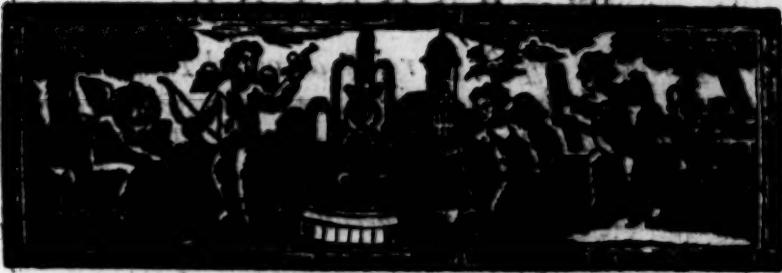
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THE PREFACE.

 *S* Variety of Censures are generally pass'd upon Writings of a publick Nature, the Pamphlet entitled British Liberty, &c. has had its Share; considering the small Space of Time it has been publish'd. Doubtless it might be a Vexation to some; for to attack the Knavery is to assault the Life of Persons in unjust and illegal Practices. 'Tis much pleasanter to them to see the People's Purse than their Eyes open'd: And therefore such as endeavour to inform, disabuse, or defend the Rights of the People, must expect to be represented; by their Oppressors, as pestilent Fellows, and Movers of Sedition.

If any Parish-Pillagers should be offended with the following Discourse, as perhaps they may, I shall pass them by too; in Consideration the Swartbiness of their internal Complexions may give 'em an Antipathy to the Sight of their own Pictures. But there are another Kind of Persons, that pretend to sit in Judgment upon Authors, without either Provocation, or proper Qualifications, whom I don't think fit to let slip without some Notice: I mean the Cameleons, who only judge with the Mode, according to the Company they keep, and dare not stir a Step without it. Such

The P.R.E.F.A.C.E.

as depreciate, despise, or reject an useful Performance, because its Author may not have a large Estate, an University Education, or the fantastical Privilege of setting A. B. or F. R. S. at the End of his Name : Who conceit the Stile poor, because the Author may not be rich ; and that an Act of Parliament loses its Force, by passing thro' the Hands of one who is not a Practitioner of the Law. This judging an Author's Sense by his Circumstance seems to me, to be the vapourish Conceit of an ignorant Head-piece. 'Tis a plain Indication, and, what if I say, a tacit Confession that the Person is no proper Judge, when he can't discover the Use, the Beauties, or Failings of an Author, without first enquiring his Education, Circumstance, or Addition. Such will certainly be frequently deceived in their Judgment, to their Scandal amongst solid and experienc'd Men, and sometimes, perhaps to their Prejudice too.

I am not so vain as to pretend to Impossibilities ; that is, to please every one. Nor do I pretend to give Understanding, but Information to the Ignorant ; nor to dispense Courage to the Fearful and Slavish, but to excite the Substantial, the Sensible, and the Publick-spirited to exert themselves in the Defence of their just Rights and Privileges. Nor have I writ the preceding Lines altogether upon my own Account : I have observed it is a reigning Folly, and therefore, having this Opportunity, I was unwilling to let it pass without a Remark. What I am more particularly concerned in is, some have accused me of Malice. But I'll take the Liberty to assure them, there is not the least Tincture of that capital Evil in it : There is not that Person alive I have any Malice against. Nor have I the least Shadow of Reason to such a Motive from any Person in any Office whatever : Neither myself, nor any belonging to me, having ever suffered by them any Manner of Way ; otherwise than in my Humanity to the Publick. And were it not for this constraining Motive, I had never set Pen to Paper upon these Occasions ; I take

The P R E F A C E.

take no Pleasure in raking in the Dirt : For such I count Knavery to be. Many are above concerning themselves with the Good of those below 'em, tho' these in a great Measure maintain 'em : And besides, the Rich seldom feel the Pinch of these Oppressions ; those petty Tyrants dare not impose upon and abuse them, as they do the poor, and middling Sort of People. Many are afraid to meddle, and suffer themselves to be enslav'd and ass-rid thro' Ignorance. Some are corruptly byass'd by private Interest ; and more are scoundrelously seeking to ingratiate themselves with the Heads of the Cheat, in Order to come in for a Share of the Booty, and fatten themselves at the publick Expence. In Consideration of this, and the great Necessity there is for Redress of Abuses, I have scribbled the following Sheets. I have no worse Design than publick Utility : I hope I may be pardon'd, for endeavouring to oblige the Publick in those Cases ; especially since Persons of higher Abilities, and more Leisure, have omitted to take them into Consideration.



BOOKS



BOOKS cited in the following Discourse.

Nelson's Justice of Peace

Dalton's Justice,

Cook's Institutes, Vol. 2.

The Statutes at large.

Jacob's Law Dictionary.

Dryden's Juvenal.

Moreton's, alias Dan. Defoe's Parochial Tyranny, &c.

Sadler's Exactions and Impositions of Parish Fees, &c,

Burfoot's Poor Honesty's Fight with two Parishes.

— *Purge for Church-wardens, &c.*

Historical Account of the Constitution of the Vestry of the Parish of St. Dunstan's in the West.

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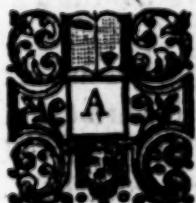


THE
V E S T R Y
Laid Open, &c.

P A R T I.

C H A P. I.

*Of the Original of Parish Officers, in
Relation to their present Settlement
in Vestries; and the Design of their
Institution.*



Late * Author inform'd the Publick,
he ' heard a Lawyer say, There is no
Act of Parliament which directs a
Select Set of Vestry-Men, or particu-
lar Vestry-Justices : It (*i. e.* a Pa-
rish-Office) was originally thought,
says he, an Office of Expence and Trouble, and
such as every (helpful) Parishioner ought to bear in
his Turn, for the publick Service? If it was thus
originally,

originally, the true Design of Parish-Officers seems now to be totally inverted ; since a Parish-Office, at present, amongst the *Select*, is judg'd an Office of *Profit* and *Pleasure*, and such as none must be favour'd with but a *fitter Few*, well and warily chose by the rest, for their own *particular Interest*. As the same Author observes, ‘ When Men officiously seek it, and never care to quit it, it is natural to suspect they don’t undertake it for the Sake of the Trouble, but for the Sake of the *Dividends*’ I would waive Reflection at present, and proceed to shew what gave Birth to the Necessity of Parish-Taxes and Parish-Officers, as they are now constituted.

Concerning this, *Nelson* tells us, (*Justice*, p. 475.) The Statute of the 43 *Eliz.* cap. 2, ‘ was the first Statute Law made for the Relief of the Poor ; for before the Reformation there was no Occasion for any such Law, because such was the Devotion of our Ancestors, that there seemed to be a pious Contention amongst them, who should first bring their Offering to the Church. The Bishop, to whom the Charge of Souls was committed, was (for that Reason) thought the fittest Person to be intrusted with those Oblations, which were used to be divided into four Parts, and thus distributed, viz. To the Priests, to the Poor, towards the Fabric of the Church, and to himself, *Hospitalitatis exercende causa*. By these and other superabundant Offerings at Altars, Sepulchres, and Shrines of Martyrs, the Church became so rich, that several Monasteries, Priories, Religious Houses and Hospitals, were by this Means founded and plentifully endowed, where the Poor were sufficiently relieved till those Houses were dissolved ; and it was above fifty Years after the Dissolution that this Statute was made.’



Here we may observe, the Dissolution of Monasteries, Prioresses, &c. and the great Decay of Publick Charity in fifty Years after; introduc'd the Necessity of raising Taxes upon the able Inhabitants of Parishes for the Uses above-mentioned; for the levying, collecting, and distributing of which, it became necessary to appoint some Persons in every Parish; and the best and most substantial of the Parishioners were judg'd the most proper for this Service: I take the Word *best* principally to refer to their *Morals*; and 'tis reasonable they should be Men of Substance; in Consideration substantial Men are less liable to the Temptations of Dishonesty; than those of low Circumstances, and also more able to afford the Time and Expence it may require.

By the Statute above-mentioned it is enacted;

- That the Church-wardens of every Parish, and four, three, or two substantial Householders there, as shall be thought meet, having Respect to the Proportion and Greatness of the same Parish and Parishes, to be nominated yearly in *Easter*-Week, or within one Month after *Easter*, under the Hand and Seal of two, or more Justices of the Peace in the same County, wherof one to be of the *Quorum*, dwelling in or near the same Parish, or Division where the same Parish doth lie, shall be called *Overseers* of the Poor of the same Parish.—
- Which said Church-wardens and Overseers so to be nominated, or such of them as shall not be lett by Sickness, or other just Excuse; to be allow'd by two such Justices of Peace; or more as is aforesaid, shall meet together at the least once every Month, in the Church of the said Parish; upon the *Sunday* in the Afternoon, after Divine Service, there to consider of some good Course to be taken; and of some meet Order to be set down in the Premises.

We may here observe, they are not stil'd *Masters* of the Parish; but *Wardens* of the *Church*; that is, *Guardians* of the *Fabrick*, to see it kept in Order

and Repair ; and *Overseers* of the Poor, that is, such as by the Assistance of those Parishioners who are in a Capacity to be helpful, shall provide them such Christian Relief, as to the best of their Judgment shall be thought needful. We may likewise take notice, it is ordain'd, they, if not lett by inevitable Emergencies, must meet once every Month, (says the Act) in the Parish-Church, on *Sunday* in the Afternoon, after Divine Service there to, &c. Hence we may date the Origin of our present Vestries : Here is the Time when, the Place where, and the Occasion for which they are to meet particularly specify'd. And certainly it seems to be wisely order'd : For it is to be hop'd when Men have been engag'd in the Worship of the eternal Fountain and Father of Mercies, they have some Sense of the Divine Perseverance upon them, and therefore are in a better Disposition for Acts of Beneficence than at other Times and Places perhaps they may be. While this Ordinance was kept up to, I am ready to think, there was little Ground for Complaint. But since Parish-Officers, instead of doing their Publick Busines soberly at the Times and Places, and in the Manner appointed by this Act, have took the Liberty to riot over it at Taverns and Victualling-Houses, at the Expence of the Poor ; People are far from being insensible what Reason they have to be dissatisfy'd.

There are many other Persons belonging to a Vestry besides Church-wardens and Overseers, and it is requisite there should : The greatest Part of the helpful Parishioners ought to be there according to *Dalton* ; and in his *Justice*, pag. 233. he tells us, ‘ If the greatest Part of the Parishioners will not meet (upon a general Warning given in the Church) it seems the Officers, and such of the Parishioners as will meet, may make Taxations.’ We see originally it was the Right of every Parishioner, that pay'd Assessments, to claim a Place in the Vestry.

try. But as some Parishes are very large, and the Parishioners, who have such a Right, too numerous for all to appear upon these Occasions, to prevent Confusion, it has been judg'd proper, that such Parishioners should elect and appoint a certain Number of the *best* and *most substantial* amongst themselves to represent and act for the rest, tho' not so as to exclude themselves from appearing amongst them upon necessary Occasions ; yet so as whatever is *legally done* by their Representatives in their Absence is virtually allow'd to be the Act of the Whole. And tho' in this Sense they are the Representatives of the rest, they are but barely such : They are no Legislators ; they can't make obligatory Laws. They are not Officers of *Command*, but *Trust* ; and, as such, *accountable to the Parishioners*. A Church-warden, says *Nelson*, (*Just. pag. 135.*) is a temporal Officer, *entrusted*, (*not endowed*) with the Parish Goods, and the Parishioners may *choose*, and put *in Trust* whom they think fit, for 'tis at *their Peril.*

CHAP. II.

Of the Duty and Office of Parish-Officers, with Relation to laying Assessments.

I Apprehend, the legal Method of raising Money upon a Parish, for the Assistance and Maintenance of the Poor, the repairing Publick Edifices, and other convenient and necessary Parochial Occasions, is to be done by taxing such Parishioners as are of Ability to spare something, in a Manner as equal as may be to the Degree of their Ability : For 'tis unreasonable, and consequently unlawful, to oblige

Such as are forc'd to struggle hard for a necessary Subsistence, to straiten and reduce thenaelves to a Degree of Hardship, in order to suppose the Indigent; especially seeing there are so many who can afford to be so luxuriously and profusely extravagant in their unnecessary Expences.

For their Degree of Ability; if one Person be worth a Thousand Pounds clear, and another worth no more than a Hundred, the Number and Healthfulness of their Families near upon a Balance, the first can as well, or better, afford to give Ten Shillings than the last one. If there be a material Difference in the Number of their Families, as if the first have six Children, and the last none, or an inferior Number; or if the former, or any of his Family have the Unhappiness to be afflicted with any chargeable Infirmity, 'tis just and legal he should be consider'd, and proper Favour allow'd him in the Taxation. The learned Lawyer Dalton in his *Justice*, pag. 149. appears to be of this Judgment.

In these Taxations, says he, there must Consideration be had, first to *Equality*, and then to *Estates*.

Equality, that Men may be equally rated with their Neighbours, and according to an equal Proportion.

Estates, that Men be rated according to their Estates of Goods known, or according to their known yearly Value of their Lands, Farms, or Occupylings, and not by *Estimation*, *Supposition*, or *Report*. Also herein the Charge of Family, Retinue, and Countenance, is, in some Measure, to be regarded: For if one valued at 500*l.* in Goods hath but himself and his Wife, and another estimated at 1000*l.* hath Wife and many Children, &c. the first Man, by Reason, is to be rated as much as the other; and so of *Lands*. And in pag. 231. he further says,

' In these and other Rates and Taxations you shall observe these Rules following.

' *First,* The most reasonable Rating of Land is by the yearly Value and Quality thereof, and not by the Quantity, or Content.

' *Secondly,* He that occupieth (in his own Hands) Lands lying in several Parishes shall be charged in every Parish proportionably for his Land there.

' *Thirdly,* The Farmer shall be rated for his Lands, and not the Lessor or Landlord.

' *Fourthly.* A Man (*scil.* the Landlord) shall not be rated or taxed for his Farm-Rents, in as much as the Farmer or Occupier is chargeable for the same Land. So where any Farmer is assed by his Goods, I daight not to be assed for my Rent of the same Farm.

These Rules seem to be very much mis-understood by some of our Parish-Assessors, who have retain'd a Practice of rating Rich and Poor according to the Rents they pay; without any other Regard; which is certainly very unequal, and far from the Intention of this learned Lawyer. For, says he, the Charge of Family, and real Worth of the Parties are to be consider'd. And it is highly reasonable it should be so: For the House or Land-Owner, in farming out his Possessions, considers, not the Ability of the Tenant, but the Value of his House or Land, and lets it accordingly. If a Tenant be worth only a *xxxl.* he is no more favour'd in his Rent than he that is worth a *1000l.* If it be objected, that Persons of large Abilities may rent larger Houses, and greater Tracts of Land than those of inferior Stocks; I answer, 'tis far from being always so, especially in, and about London and Westminster; where so many Trade upon Credit, with little, or perhaps nothing, of their own, and yet are oblig'd to pay as much Rent as many, and more than some, who possess large Estates, and considerable Stocks both of Goods and Money: So that Persons ought, in these Cases, to be

be rated according to their Abilities, and not by the Rents they pay, or perhaps, are scarce able to pay. For their Rents are no true Sign of their Abilities, which they must be, if that Way of Taxing be equal; but as they are not, it plainly appears to be utterly unequal.

First, Because Persons of equal Ability and Circumstance do not pay equal Rents: One worth 100*l.* pays 20*l. per Ann.* another 10, another 30 or upwards; therefore to tax them by their Rents is unequal.

Secondly, Persons of different Abilities do not pay Rents proportionable to the Difference of their Abilities; if they did, such as are worth a 1000*l.* must pay ten Times as much Rent as those that are worth a 100*l.* their Families being equal. If those worth 100*l.* pay 20*l. per Ann.* such as are worth a 1000*l.* must pay 400*l. per Ann.* those worth 10000*l.* 4000*l. per Ann.* and those worth 100000*l.* 40000*l.* which is monstrous and impracticable. But as the Case now stands, the *inferior* or *middling Sort* pay a much greater Share of Rent in Proportion to their Ability, especially in trading Places, than those of *large Fortunes and Possessions*: And therefore, according to this Way of Taxing, the Weight of Assessments falls heaviest upon them who are least able to bear it. Thus the *Poor* may be said to maintain the *Needy*; or, at least, to contribute most to their Maintenance: Which is certainly very unequal: For Reason tells us, Such as are able ought to contribute to the Necessitous, according to their *real Ability*, and not their *accidental Appearance* to the World. This will further appear in the following Quotations.

Dalton's *Just.* pag. 231, 232. 'Upon a Complaint to the Judges of Assize in the County of Lincoln, it was resolv'd and order'd, That the Lands in the Parish, and not the Rent, neither of that Land, nor of other Lands could be taxed: Sir Anthony Irbie's Case.'

'This

This is very plain ; but he proceeds. ‘ By Goods, in most Cases, a Man may be rated as well as by Lands, but not *both* by Goods and Lands as it seemeth.

‘ The like you may see in divers Acts of Subsidies, wherein there is usually a special Proviso, that no Person shall be taxed both for his Lands and Goods, nor *double rated*. — So then he that hath both Lands and Goods shall be charged by the best (of them both) but he is not to be *double charged*, scil. by the one and the other ; and yet in some Places they do use to charge one Person both by Lands and Goods : Which, if it be warrantable by Law, yet it seemeth to be with this Difference, scil. that where a Man occupieth Land, and also hath in his Hands a great Estate or Stock of Merchandise, or be also a Clothier, Malfster, or the like, that such Person peradventure may be charged by his Lands, and also by such his Stocks ; but for such Goods or Stock of Cattle whereby a Man doth occupy, compas, or manure his Lands (as for Horses, Sheep, Kine, &c. wherewith he stocketh his Land) a Man shall not be charged, scil. if he be charged by his Land, he shall not also be charged for such his Cattle which do manure the same Land.’

‘ Also where a Man is rated by his Goods, it seemeth reasonable that such Goods be rated after the Value of Lands to be purchased, scil. One hundred Pounds in Stock, or Goods, to be rated after Five or Six Pound *per Ann.* in Lands. And so after the like Proportion for a greater or lesser Estate in Goods, Stock, Merchandise, or the like.’

‘ Note, where a Man is charged by Goods, they must be *Bona notabilia*, as it seemeth ; and yet, to the Subidy, Men are rated not only by their Stock of Merchandise or Cattle, Corn, Household-stuff or other moveable Goods which are *notablia*,

‘ his, but also to their Coin, and Debts owing to them (deducting such Debts as they owe to others, and such Debts as be desperate;) But there the Party over-rated upon his Complaint to the Commissioners, and his Oath taken before them, that his Goods, Coin, or Debts be not of such Value (which Oath the said Commissioners are authoriz’d to take by the Statute) the said Commissioners may abate the said Assessments according, as upon Examination shall appear to them just.

By this we may gather, People are to be rated according to their real Worth; that is, what they possess clear, proportioning their Worth by an annual Benefit; therefore such as clearly possess nothing of their own are legally exempted from these Taxations.

In the same Page he says, ‘ If a Man be assessest for his Goods in D. when as he hath no Goods there, and be distrained for such Assessment, he may have an Action of Trespass.’ A Person is assessest for Possessions he really has not, and notwithstanding he makes, or offers to make Oath he has no such Possessions, he be strain’d for them; Query; Can’t he have an Action of Trespass?

CHAP. III.

Of the Duty of Parish-Officers with Relation to a right Distribution of the Parish-Money.

‘ THE Causes of these Taxations, says Dalton, pag. 150. are three: To set the Poor at Work by a Stock, &c. to relieve the Impotent, and to put forth Apprentices. by Money.’ The Causes are the Ends for which they are raised; and therefore

therefore to these Ends the Money raised ought to be apply'd. So it is, some say; but not all of it, I presume, as we shall see in the Second Part of this Discourse.

The poor Persons to be, or not to be relieved by these Officers, may be read in the following Citations.

Dalton's Justick, pag. 169, 170. Here is Consideration to be had of three Sorts or Degrees of Poor,

I. Poor by Impotency and Defect.

- 1. The Aged, Decrepit, that are past Labour.
- 2. The Infant, Fatherless, and Motherless, and not able to work.
- 3. The Person naturally disabled, either in Wit or Member, as an Ideot, Lunatick, Blind, Lame, &c.
- 4. The Person visited with grievous Diseases, or Sickness, tho' casually, yet thereby, for the Time, being impotent.
- All these (being impotent and not able to work) are to be found and provided for by the Overseers of necessary Relief; and are to have Allowances proportionable, and according to the Continuance and Measure of their Maladies and Needs; and of these it may be said, *Si non pavisti, occidisti*: If we don't provide for them, we kill them.

II. Poor by Casualty.

- 1. The Person casually disabled, or maimed in his Body, as the Soldier, or Labourer, &c. maimed in their lawful Callings.
- 2. The Householder decay'd by Casualty of Fire, Water, Robbery, Suretship, &c.
- 3. The poor Man over-charged with Children. These (and such others) having Ability and Strength of Body, but not sufficient Means to maintain themselves, are to be helped, or set to

‘ Work by the Overseers ; and, being not able to live by their Work, are in Charity further to be relieved in some reasonable Proportion, according to their several Wants and Necessities.

III. *Thrifles Poor.*

‘ 1. The riotous and prodigal Person, that consumeth all with Play, or Drinking, &c.
 ‘ 2. The dissolute Person, as the Strumpet, Pilferer, &c.
 ‘ 3. The slothful Person, that refuseth to work.
 ‘ 4. All such as wilfully spoil or embezzle their Work, &c.
 ‘ 5. The Vagabond that will abide in no Service or Place.
 ‘ For these, the House of Correction is fitteſt : and there ſuch Persons, being able in Body, are to be compelled to labour, that, by Labour and Punishment of their Bodies, their froward Natures may be bridled, their evil Minds bettered, and others by their Example terrify’d.

‘ And all ſuch Persons, ſent to the Houfe of Correction, muſt there live by their own Labour and Work, without charging the Town and Country for any Allowance. 7 Jac. I. cap. 4.

‘ But for the Overseers to ſuffer ſuch Persons (or any others, who can live of their Labours, or otherwise) to be chargeable to the Town, or to relieve ſuch, were a Means to nouriſh them in their Lewdness or Idleness which take it, and to rob others of Relief that want it, to wrong thoſe of their Money that pay it, and to condemn them of Oversight which diſpoſe it.

And yet if any of theſe laſt happen to prove impotent (then, according to the Statute 11 H. 7. cap. 2. it ſeemeth they are to be relieved with Bread Water without other Sustenance : And ſo a reverend Judge delivered it in his Charge at Cambridge Assizes. But yet Charity wills us in Cases of manifest

‘ nifest Extremity) it seemeth that they are to be relieved by the Town.’

Nelson's Justice, pag. 485. ‘ None are to be reliev'd whose Names are not register'd in a Parish-Book kept for that Purpose, unles by Authority under the Hand and Seal of a Justice of the Parish ; or if none there, by a Justice in the Parts adjoining, or by Order of Sessions.

‘ But in Case of pestilential Diseases, viz. Plague or Small-Pox, in Respect of their Families only, they are excepted. 3 & 4 W. & M. cap. 11.

‘ He, and his Wife, and Children, cohabiting in the same House, must have on the uppermost Garment, and upon the Shoulder of the right Sleeve a large *Roman P.* and the first Letter of his Parish ; or otherwise one Justice, &c. upon Complaint may cause his Allowance to be abridged or suspended, or may commit Offenders to the House of Correction, not exceeding Twenty-one Days. 8 & 9 W. cap. 30.

‘ Officers relieving such who do not wear the Badge forfeit 20 s. for every Offence ; one Moiety to the Informer, the other to the Poor. Proof is to be before one Justice, upon Oath of one Witness ; Forfeiture is to be levied by Warrant of one Justice.’

Statute 9 Geo. I. ‘ The Person order'd to be reliev'd shall be entered into the Parish-Books, to receive Collection as long as the Cause for such Relief continues, and no longer.’

So much for *who* are to be reliev'd ; now proceed we to examine *how* they are to be reliev'd, and how the Parish-Money ought to be distributed.

Dalton's Justice, pag. 170. ‘ Two Justices may licence the poor diseased Persons to travel to the Bath for Remedy of their Griefs, so as they be provided of necessary Relief (*scil.* with Money in their Purses, &c.) for their Travel, and beg not.

By this it appears to be unlawful for any to be allow'd to beg : In Confirmation of which a little further he says, ‘ No Justice or Justices of Peace ‘ *may or can*, in any Case, licence any poor Man to ‘ wander or beg at all.’

And in pag. 157. ‘ None may be suffer'd to take Relief at any Man's Door, tho' within the same Parish, unless it be by the Order of the Overseers ; neither may any be suffer'd to beg by the High-way, tho' in their own Parish.’

And that they may not have Occasion so to do, in pag. 148. he tells us, ‘ The relieving of Poor and impotent Persons must be convenient, and such as that they neither be forced to beg, or steal ; nor so little as that it may be a *lingering Death* to them.’

’Tis a great Calamity, as well as a Pity, that all *Gifts* and *Charities*, and all the *Fines* and *Forfeitures* due to the Poor by Acts of Parliament, are not every where honestly and punctually paid them. Could it be brought about, it certainly would very much reduce the Burden of Parish-Taxes : For if the Officers could be persuaded to be strictly honest in the Distribution of the former, it might be hop'd they would be so in the Assessing and Disposing of the latter : Which would be a great Blessing to this Land in general, and to these Cities and Liberties in particular. But to return ; it will not be expected I should give the Publick an Account of all the Gifts and Charities belonging to the Parishes in general ; neither is it needful ; every Party concern'd may easily inform himself of those belonging to the Parish he resides in. Besides, they are only particular, and are of no Concern to any but their particular Parishioners ; but the Fines and Forfeitures being general, every Parish in the Nation is interested in them ; and as they are too numerous here to be inserted, being sufficient to make a Volume of themselves, I would refer my Readers to *Blackerby's Justice*, Vol. i. where they may find most of them recorded

in an easy and apt Stile and Manner, and conclude this Chapter with the 12th Section of a Statute made the 3d and 4th of *William and Mary, cap. ii.*

' Whereas many Church-wardens and Overseers
 ' of the Poor, and other Persons entrusted to receive
 ' Collections for the Poor, and other publick Monies
 ' relating to the Churches and Parishes whereunto
 ' they do belong, do often *mis-spend* the said Monies,
 ' and *take the same to their own Use*, to the great
 ' Prejudice of such Parishes, and the Poor, and other
 ' Inhabitants thereof; and because that many Times
 ' the Judges, when Actions are brought against
 ' such Church-wardens and Overseers, to recover the
 ' Monies so *mis-spent, taken, or mis-apply'd* by the
 ' Persons aforesaid, refuse to admit the Parishioners
 ' to be Witnesses in such Cases, who are the *only Persons*
 ' that can make Proof thereof: Wherefore to
 ' prevent all such *evil and deceitful Practices* of
 ' Church-wardens, Overseers, and other Persons,
 ' Be it enacted and declared, That in all Actions to
 ' be brought in their Majesties Courts of Record
 ' at *Westminster*, or at the Assizes, for the *Recovery*
 ' of any Sum or Sums of Money so *mis-spent, or*
 ' *taken* by Church-wardens or Overseers of the
 ' Poor, the **EVIDENCE OF THE PARISHIONERS,**
 ' or **ANY OF THEM** (*other than of such as receive*
 ' *Alms, or any Pension or Gift out of such Collections*
 ' *or publick Monies of such Parish or Parishes*
 ' *respectively, whereof the Defendant or Defendants is or are Inhabitant or Inhabitants,) SHALL*
 ' **BE TAKEN AND ADMITTED IN ALL SUCH**
 ' **CASES IN THE COURTS AFORESAID;** any
 ' Custom, Rule, Order or Usage to the Contrary,
 ' Notwithstanding'.

C H A P. IV.

*Of the Duty of Parish-Officers, with
Relation to their Accounts; and the
Remedies to be us'd in Case of Male-
Practice.*

I Now come to the last Branch of their publick Duty ; which is, That they ought to render full, fair, and particular Accounts of all their respective Receipts and Disbursements ; and that these Accounts ought to be liable to the Inspection of every helpful Parishioner.

Dalton's Just. pag. 153. ‘ Two Justices shall take the Account of Church-wardens and Overseers at the End of their Year, in **E V E R Y O N E** of these Particulars following.

- ‘ 1. Of *all Sums of Money* by them receiv'd, or rated and not receiv'd.
- ‘ 2. Of *all such Stock of Ware or Stuffs*, as they, or any of the Poor have in their Hands.
- ‘ 3. What *Apprentices* they have put out and bound according to the Statute.
- ‘ 4. What *Poor* they have set at Work, or reliev'd.
- ‘ 5. Whether they have suffered *any* of their Poor to *wander and beg out* of their Town, or in the *Higbways*, or in their *Town*, without their Direction.
- ‘ 6. Whether they have *monthly met* to consider of these Things.
- ‘ 7. Whether they have assessest the Inhabitants and Occupiers of Lands, &c. in their Parish ; scil. All such as **A R E O F A B I L I T Y**, and **W I T H I N D I F F E R E N C Y**.
- ‘ 8. Whether they have endeavour'd to levy, and gather such Assessments.

‘ 9. Whe-

‘ 9 Whether they have been otherwise negligent
 ‘ in their Office ; within which Words also there
 ‘ seemeth to lie included, if they have reliev’d the
 ‘ *Impotent*, or shall neglect to execute the Justices
 ‘ Warrants to them, or any of them directed, for
 ‘ the levying of any Forfeiture.’

Ibid. pag. 154. ‘ In case of any *Breach of Trust*,
 ‘ or *Mis-employment*, the Lord Chancellor may
 ‘ grant Commissions, &c. 7. *Jac. I. cap. 3.*

‘ If the Church-wardens, or either of them, or
 ‘ any of the Overseers, shall refuse to make or yield
 ‘ A TRUE AND PERFECT ACCOUNT to the said
 ‘ Justices of all such Sums of Money, and of all
 ‘ such Stock as aforesaid; any Two such Justices may
 ‘ commit them to the common Goal there to remain
 ‘ without Bail, till they have made a TRUE AC-
 ‘ COUNT, and satisfy’d, and paid (to the new Over-
 ‘ seers, so much of the said Sum and Stock, as
 ‘ upon the said Account shall be remaining in his
 ‘ (or their) Hands, &c. And if they make a *false*
 ‘ ACCOUNT, they may be bound over to the Assizes or
 ‘ Sessions, and there an Indictment may be prefer-
 ‘ red against them.

‘ And as for other Negligences of the Church-
 ‘ wardens and Overseers in their Office, or in the
 ‘ Execution of the Orders aforesaid, every of them,
 ‘ making Default, shall forfeit for every such Default
 ‘ 20 s. (such Default being proved either by Witness
 ‘ or Confession of the Party) which Forfeitures shall
 ‘ be levied (by the New Church-wardens and Over-
 ‘ seers, for the Year ensuing, or One of them) by
 ‘ Warrant from any Two such Justices of the Peace,
 ‘ by Distress and Sale of the Offender’s Goods, &c.
 ‘ Or, in Defect of such Distress, it shall be
 ‘ lawful for any Two such Justices of Peace to com-
 ‘ mit the Offender to the common Goal, there to
 ‘ remain without Bail ; till the said Forfeitures shall
 ‘ be paid : and the said Forfeitures shall be
 ‘ employ’d

‘ employ’d to the Use of the Poor of the same Parish.’

By what I have cited, it is evident Parish Officers, as such, are only Stewards, Agents, or Managers, and to whom are they Stewards, &c. but to the Parishioners, to whom the Property of the Parish Money and Goods equally belongs? And if so, such Parishioners have a Right to demand their Accounts; and a Right to demand them necessarily supposes a Right to inspect them, else they are requir’d to no Purpose. And this Right of Inspection ought to be free. We find, in a Statute made 1 Jac. 2. cap. 15. call’d an Act for rebuilding, finishing, and adorning the Cathedral Church of St. Paul’s London; it was enacted that Books of Accounts should be kept of all the Receipts, and Disbursements, expressing the Time when the Occasion for which, and the Name of the Person, or Persons to whom the Monies were disburs’d; and that every Person in any wise concerned should have free Access to the Books, and Liberty, to inspect them at all Times when the Office was open without Fee or Reward. The like Article we find in another Act made (5. & 6. W: M. cap. 10) for the Relief of the Orphans and other Creditors of the City of London. If this Priviledge was or is allow’d in these Cases, I don’t see any just Reason why Parish Officers should deny it to those who are concern’d with them. Sure their Accounts are not *too foul* to bear looking into? No honest Man can be against such an Inspection; because his Accounts, upon Examination, would appear to his Credit. And if a Person deserving a different Character should tell me, he kept his *in the Dark* in Charity to the Parishioners, to ease them of the Trouble it might put them to, if they had any Regard to their own Rights, and those of the Poor, I should not stick to believe him: For such generally act upon their own Notion of that Saying, *Charity begins at Home*; and so assiduous are they in the Application.

Application of it they generally make *Charity end at Home* too.

Perhaps, I may be told, the Property's gone when the Money is given. I own it is so according to the present Management ; but, if I understand it aright, the Money is not given to the *Parish-Officers*, but to the *Poor*, and for other *necessary Occasions*. A Clause of the Law, already cited, informs us, those Officers are only *entrusted* with the Raising and Distribution of it, and if they *break their Trusts*, by *Davouring, Pocketing, or Misapplying* it, or any Part of it, they wrong the Donors as well as the Poor, and are therefore liable to Prosecution. And this is agreeable to Reason and Equity : For such as contribute Money to a certain *End*, ought in Justice, to be satisfy'd it is apply'd to that End ; and this Satisfaction must arise from Inspection ; for strong Suspicions are seldom remov'd without some Degree of Certainty ; which Degree must spring from *Trial*, and not *Report* ; especially the Report of those whom they have Reason to suspect.

Thus the Contributors have a *moral Right* to the Inspection of these Accounts, and the Justices, besides *that*, have a *legal One in Form*, not properly to inspect, for *that* they had before, but to *punish* the Accountants in case of Frauds, Mis-applications, &c. So that, in my Apprehension, the Laws in this Case were meant to give the Justices a *further Power*, and not to abridge, or take away the *Just Right* of the Contributors.

That the Justices have this legal Right we find, in Statute 43 Eliz. Cap. 2. That the Church-Wards and Overseers shall within four Days after the 'End of their Year, and after other Overseers be nominated, make and yield up to two Justices, a *true and perfect Account* of all Sums of Money by them received, or rated and not receiv'd, of such Stock as themselves, or the *Poor* shall have in their

‘ Hands, and *all other Things* concerning their
‘ Office.’

But a great many can’t see the publick Advantage of the Parish-Officers giving in their Accounts to two Justices, in such Parishes where the Justices are *One* with the Rest, and *share* in devouring the Publick Money. This seems to be little better than, *Ask my Fellow if I be a—True-man.* We frequently hear *Select Vestries* have *Select Justices*; and it seems ‘tis the Nature, that is, the *second Nature*, of these *Select Persons* to be so concurrent in their Dispositions and Judgments one with another, that they can’t bear the Sight of one another’s Failings; I had like to have said, *Faults*: Doubtless the Cause may be the Weakness of their Eyes; as not being able to bear the Sight of any Thing *enormously Foul*.

That there has been such Justices, I presume, more will be ready to prove than deny: And *what has been may be*. Tho’ I gladly own, a great Number of Gentlemen in the Commission of the Peace are far above such Baseness, and well deserve a very different Character; Yet it appears to have been the Judgment of our superiors, that there were a Number of *unfair Traders* amongst them, else *Seventy-five* had scarcely been struck out of the Commission together; as many now alive can easily remember: Nay as if the Rise of these *Select Justices* was foreseen by the Legislature, in the 43. Eliz. Cap. 2. ‘ we find it enacted, ‘ That if any Person, or Persons shall find ‘ themselves grieved with any *Affessment, Tax, or other Act* done by the Church-Wardens, and ‘ other Persons, or the *said Justices* of Peace that ‘ then it shall be lawful for the Justices of Peace at ‘ their *General Quarter Sessions*, or the greater Number of them, to take such Order therein, as to them ‘ shall be thought Convenient, and the same to conclude and bind all Parties.’

If

If it be query'd, *In Case the Complaints of Persons aggrieved should be rejected, or not duly regarded; by the Quarter-Sessions, is there no other Appeal?* I Answer, There is a Statute in Force, directing how Money given for the Binding of Poor Children to Occupations shall be apply'd, (made 7 Jac. 1. cap. 3.) In which it is enacted
 ‘That if any of the Parties entrusted with the Disposal of the Monies given, or to be given (for these Uses) shall, in any Point, break their Trust, or mis-employ any Part of it, or do any Act contrary to their Duty, it shall be lawful for any Person, in Behalf of the Poor, to exhibit a Petition to the Lord Chancellor, or Lord Keeper of the great Seal of England, for the Time being, who shall be authorized thereupon to appoint Commissioners to hear and determine the said Offences. And if any Person shall find himself grieved by any Thing done by the said Commissioners, upon Complaint thereof made in the High Court of Chancery, the Lord Chancellor, or Lord Keeper, shall have full Power and Authority to order and decree the same, as to his Lordship shall be thought most agreeable to Equity and good Conscience.’

This Paragraph, in my Opinion, at least, seems to be of equal Force against the Mis-employers of all kinds of Parish Money, as well as of that it particularly expresses: For it is all given, and collected for the same End; the Good of the Publick; and received and distributed by the same Persons; the Parish-Officers: And therefore as Parallel Cases require Parallel Regulations, They are subject to the same Ordinances in the Former as in the Latter. And Jacob, in his Law Dictionary, Art. *Statute*, tells us, ‘Wherever a Statute gives or provides a Thing, the common Law supplies all manner of Requisites.’ And ‘where a Thing is granted by Statutes, all necessary Incidents are granted with it.’ That the Paragraph before cited is expressive of a Requisite, and necessary Incident,

Incident, in one Case as well as the other, I hope will not be disputed ; especially since a great Part of the Justices are not altogether Faultless. To such, if I may presume to advise, I would recommend the following Quotations.

Dalton's *Justicee* pag. 7. * Here it shall not be amiss, shortly to put our Justices of Peace in Mind, how Justice may be perverted many Ways (if they shall not arm themselves with the *Fear of God*, the *Love of Truth*, and *Justice*, and with the *Authority* and *Knowledge of the Laws and Statutes of this R^g al m*) as namely ;

1. * *By Fear* : When fearing the *Power or Countenance* of another, they do not *Justice*. Deut. 1. 17. * *You shall not fear the Face of Man, for the Judgment is God's, who is, Capitalis Justiciarius totius Mundi : Chief Justice of Heaven and Earth : And they are his Lieutenants.*

* 2. *Favour* : When they seek to please their *Friend*, *Neighbour*, or other. Deut. ibid. *Ye shall have no Respect of Persons in Judgment. Thou shalt not favour the Person of the Poor, nor honour the Person of the Mighty ; but shalt Judge justly.* Levit. 19. 15. * 3. *Hatred or Malice against the Party, or some of his.* Levit. 19. 18. *Thou shalt not avenge or be mindful of Wrong.*

* 4. *Covetousness* : When they receive or expect *Fee, Gift, or Reward* ; for, as the wise Man saith, *Rewards and Gifts do blind the Eyes of the Wise, and make them Dumb, that they cannot reprove Faults,* Eccles. 20. 28.

5. * *Perturbation of Mind* : As anger or such like *Passion.* Jam. 1, 20. *The Wrath of Man doth not accomplish the Righteousness of God.*

* 6. *Ignorance* : Or want of true Understanding what is to be done. *Ignorantia Mater Erroris.* *Ignorance is the Mother of Error.*

‘ 7 Presumption : When, without Law, they proceed according to the their own Wills and Affecti-
‘ ons. There is more Hope of a Fool than of him that is
‘ Wise in his own Conceit.

8. ‘ Delay : Which, in Effect, is denying Justice,
‘ Negligentia semper habet Comitem infortunium, &
‘ Mora trahit Periculum :’ Negligence is always ac-
‘ counted a wretched Companion, and Delay draws
Danger.

9. Precipitation : Or, too much Rashness : When
‘ they proceed hastily, without due Examination
‘ and Consideration of the Fact, and of all mate-
‘ rial Circumstances, or without hearing both Par-
‘ ties : For, *the Law judgeth no Man before it bear*
‘ *him.* John vii. 15. And the Philosopher, Seneca,
‘ could say, *Qui aliquid statuerit, parte inaudita*
‘ *altera, æquum licet statuerit haud æquus est :* He
‘ that shall judge or determine of a Matter, the One
‘ Party being unheard, altho’ he shall give just
‘ Judgment, yet he is not a just Judge. And
‘ again ; *Omnia non properanti clara certaque fiunt,*
‘ *Festinatio autem semper improvida ac cæca est :*
‘ All Things are plain and certain to him that is
‘ not rash nor heady, but Haste is always improvi-
‘ dent and blind.’

He afterwards tell us, King James the First epitomiz’d these Rules, in his Charge to the Judges, in these Words ; ‘ That they do Justice uprightly, and indifferently, without Delay, Partiality, Fear, or Bribery ; with stout and upright Hearts ; with clean and uncorrupt Hands ; not to utter *their* own Conceits, but the *true Meaning of the Law* ; not making Laws, but interpreting the Law, according to its true Sense, with deliberate Consultation, remembraing their Office is *Jus dicere*, and not *Jus dare* ? To speak Law, not to give it.

A little farther he tells us, ‘ There be Four *essential Properties* requir’d in Magistrates, and Justices. *viz.*

- ‘ 1. They must be Men of Ability of Body, and Estate; and of Courage for the Truth and in the Truth.
- ‘ 2. They must be Men fearing God: Not seeking the Place for Honour or Commodity, nor respecting Persons but the Cause.
- ‘ 3. They must be Men dealing truly: Searching out all the Truth, and hating Covetousness.
- ‘ 4. They must judge the People at all Seasons; using all Diligence in hearing and ending Causes; and not to neglect the Publick for private Employments or Ease.’

Lord Chief Justice Cook’s Comment upon MAGNA CHARTA (Instit. Vol. 2.) ‘ WE WILL SELL TO MAN, DENY TO NO MAN, &c. This is spoken says he, in the Person of the King, who in Judgment of Law, in all his Courts of Justice is present; and therefore every Subject of this Realm, for Injury done him, in Bonis, Terris, vel Persona; in Goods, Lands, or Person, by any other Subject Ecclesiastical, or Temporal, whatever be be without Exception, may take his Remedy by Course of Law, and have Justice and Right for the Injury done him; freely, without Sale; fully, without any Denial; and speedily, without Delay: For Justice must have three Qualities; it must he, Libera, Free; for nothing is more odious than Justice set to Sale; Plena, Full; for Justice ought not to limp, or be granted Piece-meal; and Celeris, Speedy; Quia Dilatio est quedam Negatio: Because Delay is a kind of Denial: And when all these meet, it is both Justice and Right.

‘ WE WILL NOT DENY, NOR DELAY ANY MAN, &c.] These Words have been excellently expounded by latter Acts of Parliament; that,

‘ by

‘ by no Means, common Right or common Law
 ‘ should be disturbed or delayed ; no, tho’ it be com-
 ‘ manded under the Great Seal, or Privy Seal, Order,
 ‘ Writ, Letters, Message or Commandment whatsoever,
 ‘ either from the King, or any other ; and that the
 ‘ Justices shall proceed as if none of these were come
 ‘ to them. All our Judges swear to this ; so that
 ‘ if any be found wresting the Law to serve a Court
 ‘ Turn, they are *perjur’d*, as well as *unjust*. The
 ‘ common Laws of the Realm should by no means
 ‘ be *delayed* ; for the Law is the surest Sanctuary a
 ‘ Man can take, and the strongest Fortress to pro-
 ‘ tect the Weakest of all : *Lex est tutissima Cassis* ;
 ‘ the Law is the safest Head-piece : And, *Sub Clipeo*
 ‘ *legis nemo decipitur* : No Man is deceiv’d whilst
 ‘ the Law is his Buckler. Only the King may stay
 ‘ his own Suit, respite his Fine, and the like.

‘ JUSTICE OR RIGHT.] We shall not, *sell, deny,*
 ‘ or *delay Justice or Right* : Neither the *End*, which
 ‘ is *Justice* ; nor the *Means* whereby we may attain
 ‘ to the End, that is the *Law*. *Right* is taken here
 ‘ for *Law*, in the same Sense that *Justice* often is
 ‘ so called.

‘ 1. Because it is the *Right Line*, whereby *Justice*
 ‘ distributive is guided and directed ; and therefore,
 ‘ all the Commissioners of *Oyer and Terminer*, of
 ‘ *Goal-Delivery*, of the *Peace*, &c. have this Clause,
 ‘ *Facturi quod ad Justitiam pertinet, secundum Legem*
 ‘ & *Confititudinem Angliae* : That is, to do *Justice*
 ‘ and *Right* according to the Rule of the *Law* and
 ‘ *Custom of England*.

‘ 2. The *Law* is call’d *Rectum* ; *Right* ; because
 ‘ it Discovereth that which is *Tort*, *crooked* or *wrong* ;
 ‘ for as *Right* signifieth *Law*, so *Tort*, *crooked*, or
 ‘ *wrong* signifieth *Injury* ; *Injuria est contra tus* :
 ‘ *Injury is against Right*. *Recta Linea est Index sui*,
 ‘ & *Obliqui* : A *right Line* is both declaratory of it
 ‘ self, and the *Oblique*. Hereby the *crooked Cord*
 of

of that which is called *Discretion* appeareth to be
 unlawful, unless you take it as it ought to be ;
 • *Discretio est discernere per Legem quid sit Justum :*
 • *Discretion is to discern by the Law what is Just.*
 • 3. It is called *Right* ; because it is the best
 Birth-right the Subject hath ; for thereby his
 Goods, Lands, Wife and Children, his Body, Life,
 Honour, and Estimation are protected from Injury,
 and Wrong. *Major Hæreditas venit unicung; no-*
strum a Jure & Legibus quam a Parentibus : A
greater Inheritance descends to us from the Laws than
from our Progenitors.

The End of the First Part.





THE VESTRY, &c.

PART II.

Containing an Exhibition of many of the Remonstrances, and Complaints made against the Male-Practice of these Officers.

CHAP. I.

The Complaints made against their Abuse of their Duty, in the Case of electing Vestry-men.



OME Select-Vestries have obtain'd particular Acts of Parliament, at the Parish Expence, to empower *them* to abuse one another (a Thing the Members of Parliament can't do for themselves) and to oblige the People to pay, and to be perpetually paying over again, for what is *their own already*; as, for the Ground in Case of Funerals, &c. I can't help thinking but these Articles have been very much darkened to

our Legislators, at the Time of their passing, by selfish and designing Men : For I can't persuade myself, it ever was the Design of the Representatives and Patriots of *Great Britain*, to give any Set of Men a Power to dispence with the Properties of their Fellow-subjects, or to abuse and oppress the King's People without Controul or Possibility of Redress. But let us proceed to the Remonstrances and Complaints, that appear to have been but *too justly*, made against the vile Abuses of these up-start Oppressors.

Morcton's P. T. pag. 10. ‘ The Parliament is Septennial, the Mayoralty and Common-Council Annual, but Select-Vestries Perennial, and never renew'd but by One at a Time, as the Old ones drop off ; for they are sure to chuse none in their Room, but those whom they have mark'd for their Purpose before-hand. Besides, while the Election is in themselves, we have no Hopes of Amendment. If they happen to be mistaken in their Man, and by Chance chuse an Honest-man among 'em, he must either absent himself, or come into their Measures ; otherwise he is like an Owl among the Birds : So that it may be said of a Select-Vestry, as of the Mint, let a Man go in never so honest he's sure not to come out so.

Ibid. pag. 18. ‘ And, as in Mysteries of State, there is often a Wheel within a Wheel ; so in Parochial Government there is many Times a Vestry within a Vestry ; Numbers for Show, but few for Business. Those who have paid all the Fines of a Parish, of course, become Vestry-men : But alas, they know little of its Affairs ! Their Advice and Assent may be asked now and then in Matters of more Form than Consequence ; but the most material Affairs are transacted at the Tavern over a Bird and a Bottle, by the Select and knowing Few, who blind the Others with plausible

' sible Amusements, and make one Part of the
' Parish help to deceive the Other.'

Another Author tells us (Hist. Acct. &c. pag. 31.)
' The Nature of their Consultations deserves to be
' enquir'd into, and expos'd : These Meetings to
' chuse Officers consist of a select Number chosen by
' themselves, some of whom make it their Business
' to frighten the Junior Inhabitants out of Sixteen
' Pounds, to be excus'd from serving of Ward-
' Offices, if they are admitted to have a Deputy.
' they are any but the Beadle whom they appoint.'
Here seems to be a Mistake, of the Press without
Doubt, or I misunderstand the Matter. I take the
Author's Meaning to be, That if the Inhabitant
under Election be admitted to have a Deputy, he
must accept of the Beadle they please to appoint for
his Deputy : For he further says, ' and what the
' Beadle demands they (i. e. the Persons elected) must
' pay, or serve the Office themselves.' This is so
notoriously vile and arbitrary, it needs no Com-
ment ; therefore, I shall pursue the Citation : ' By
' which Means, says he, there are Sums drain'd
' from the honest Inhabitants, and their Tools are
' put into useful Employments. After this Busines
' of electing is over, they retire to the Tavern.
' And here it is, that, in the Gaiety of their Hearts,
' they laugh at the Parish, and flatter the Vestry, extol
' their arbitrary Proceedings, and give 'em all
' such Characters as the Wine inspires.— Let
' any impartial Judge observe this, and consider the
' Blessing of a Select Vestry, who chuse themselves !

The same Author observes, pag. 37. The Vestry
is seldom or never compleat to its full Number :
' The Reason, says he, of their proceeding in this
' Manner is, that there may be Vacancies for the
' Church-wardens to make a Majority to carry on
' their Designs, of which they would be in Danger
' of being frustrated if the Vacancies were fill'd up
' by the Parishioners.'

An * Author cited in the Beginning of this Discourse makes the following Reflections. ‘ Were the Vestries annually chang’d, honest Measures might be expected. The Power of laying a discretionary Tax is too great a Trust to be constantly fix’d in the same Community, accountable, in Effect, only to themselves, or their own two Justices ; whose Eyes are apt to be soon swell’d with Parish Fatness, and are render’d incapable of seeing any Errors. New Vestry-men would not so easily know, how to palliate the Deceit, nor so readily agree upon fraudulent Measures. New-comers would rather strive to exceed the old Ones, in easing their Fellow-Parishioners, and better applying the stated Assessments. The Change would, at least, produce this Effect, that the fashionable Spoil would circulate, and each Man in his Turn might repay himself his Share in the past Extortions.’

* Grub-street Journal.

CHAP. II.

Of their Abuses in levying Assessments, &c.

SECT. I. Of the Multiplicity and Burden of PARISH-TAXES.

THE King cannot raise Money without his Lords and Commons; nor they without the Royal Assent, so happy are we in our present Establishment; but our Parish-Tyrants are more arbitrary; they assess, re-assess, and distress at Pleasure: The Wealthy cry out and think themselves oppress’d, the middling People are put backward in their Endeavours to thrive, and the meaner Sort are squeez’d to the last Drop; insomuch that those who

‘ who are not Poor stand fair to be made so, and those
‘ who are Poor may be sure to continue so to their
‘ Lives End.

‘ The Government, all this While, bears the Bur-
‘ den of Reproaches, and the KING and PARLIAMENT
‘ are unjustly blam’d for the Exactions of Select Vestries.
‘ Taxes were never so high in this World before !
‘ This is the Cry every where ; when, alas ! it is
‘ not the King’s Tax, but the PARISH TAX which
‘ pinches the Poor House-keeper.

‘ The King’s Tax is paid by the Landlord, who
‘ is indeed most able ; but the poor Tenant is squeez’d
‘ by the Parish-Harpies, who make him pay at least
‘ as much to the Poor as his Landlord pays to the
‘ King ; nay in some of the Out-parishes the Poors
‘ Rate by much exceeds the King’s Tax”. Moret.
P. T. pag. 2. and 3.

Ibid. pag. 4. ‘ Woe to those House-keepers who
‘ disoblige the Vestry-Gentry ! Who are of a differ-
‘ ent Party or Principle ; who have, or may refuse
‘ to Vote, in all Elections National or Parochial,
‘ according to their Directions : These shall be
‘ saddled with Offices, Fines, and double Taxes.’

Ibid. pag. 6. ‘ There’s no End to Parish-Taxes ;
‘ we know not when we have paid ; Book follows
‘ Book, and Re-assessment follows Re-assessment,
‘ without End or Reason.’

Ibid. pag. 9. ‘ But nothing is so profitable to these
‘ Gentlemen as Parish-Repairs : If the Church is
‘ new beautify’d, painted, or white-wash’d, whip they
‘ come upon you with a Church-Rate, and where
‘ Two hundred Pounds has been expended, Twelve
‘ hundred shall be collected ; for Mr. Church-warden
‘ will strive hard but his Daughter shall be a Thousand
‘ Pounds the better : Nay, there are some Parishes
‘ where the Church-Wardens, tho’ they went in as
‘ poor as Rats, have come out too rich ever to be
‘ poor again ; and yet every Body is willing to en-
‘ ternalize his Name, with an INSCRIPTION to tell
the

' the World in what Year he put the Parish to an
 ' unnecessary Charge: So that there is always something
 ' to be done to the Church to please the Vanity of
 ' the Church-Wardens.

Ibid. pag. ' If Two or Three Hundred Yards of
 ' High-Way isto be repaired, there's 6d in the Pound
 ' charged upon the whole Parish, and Seven or Eight
 ' Hundred Pounds per Ann. shall be collected for the
 ' High-Ways, which may probably cost Forty or
 ' Fifty, if repair'd at all; for were it not for the
 ' Turn-pikes there would be no going in or out of
 ' London. This is an insufferable Tax, and ought to
 ' be carry'd to the Parish-Account.'

The same Author, after he has touch'd upon the Scavengers Rate, the Demand for Watch and Ward, and the Rate for Sewers, has these Words; ' Why
 ' must so much be gather'd when so little is laid
 ' out? Who has the Overplus? And why might not
 ' this Expence likewise be carry'd to a general Account?
 ' In short, says he, numberless are their Rates,
 ' and a Book is made for every trifling Article, to
 ' give Parishioners double Trouble, and put them to
 ' Nine times the Expence.'

§ 2. Of their unequal Manner of levying Assessments.

Peter Bourfor, in his Petition to the Sessions, (Poor H. F. p. 15 and 16) having represented that himself, not being worth 50*l.* was taxed 6*d.* per Week to the Poor, reckons up several of higher Ability who were not rated in Proportion. One who had *Eight Houses* in the Parish; and had laid out 800*l.* in a Purchase; and another, who had *four large Houses* and 150*l.* Stock, paid but 9*d.* a piece. One who had *Seven Houses* and 250*l.* Stock paid but 6*d.* One who had *Six large Houses* and 50*l.* Stock rated 7*d.* One worth 4, or 500*l.* per Ann. And Two worth upwards of 500*l.* per Annum 1*s.* each. He gives several other Instances of unequal Assessments, particularly, in pag. 22 and 23. Which I shall omit
 the

the Recital of, and proceed to pag. 42. where he says
 ‘ The richest Man in the Parish (*Botolph's without Aldersegate*) is rated but is in the Pound by a
 ‘ Pound Rate and I am rated 8d, whereas I am *not*
 ‘ worth a Groat, my Debts being paid, as I am ready
 ‘ to make Oath.’ And in pag. 34, he tells us, ‘ The
 ‘ Inhabitants of *Lime-house*, and Overseers were *con-*
 ‘ *victed for not making an equal Rate for the Poor*; and,
 ‘ their Fine being set it was mov'd, that they might be
 ‘ bail'd on Error; but the Court would not supersede
 ‘ the Execution.

In pag. 66. the same Author informs us, upon his Opposition to the like Abuses, (in *Shoreditch* Parish several of his Fellow-Parishioners (*wise, or honest Men no doubt*) told him, ‘ *The Law says, if a House of Sixteen Pound a Year, pays nothing towards the Maintenance of the Poor, how must the Poor be kept?*’ The strange Wisdom of this Skew-Ball Query seems a little oblique to common Sense ‘ Twas utterly unknown to all the Counsellors in *England* before, I’ll answer for it. But to the Author’s Reply. He told ‘em, ‘ They did not understand what they said (*I marvel how he understood ‘em*) for, says he, if there were no poor merry Church-Wardens, nor poor Justices of the Peace, and the Law put in Execution, there could be no Want of Money: There is enough and to spare.’

He then proceeds to tell what a Trifle his Opposition cost him, what a Charge it was to them, and how others, by his Means, were relieved. ‘ As for the Charge, says he, it is but a meer Bubble, because in three Years Time it did not cost me Three half Crowns, and I paid an Attorney’s Fee out of it; but it cost them above 12l. Therefore, I think, you need not be afraid of the Charges; because the whole Charge of *Middlesex* is no more than 15 after you have lodg’d your Petition at the Sessions, which you go and fetch at the Temple from the Quarter-Sessions Office. As for Relief you have no Reason

‘ to doubt it ; for I sent Two Persons to the Quarter Sessions, after my *Fight*, and they presenting their Case, as not being worth 10*l.* were both relieved. I sent another not long ago, who was not worth a Groat, and liv’d in a *barbarous Parish*, who was also reliev’d ; tho’ a Year before her Goods were seiz’d, and she was forc’d to pay the Money, because of the *Darkness of the Law*.’

There are many Things worth Notice in this Author ; who tho’ he does not write like a Scholar, frequently hits the Description of these Oppressors ; as will further appear in the following Chapter.

CHAP III.

Of their Abuse of their Duty with Regard to the Distribution of the Publick Money ; and of many other of their Impositions and Oppressions.

BURSOT P. H.F.p.69, ‘ The first Article among them is to spend the Poors Money, and they entice a great many *ignorant Men* to spend it, telling them, *the Laws allow it*. If he make any Scruple, they reply, *What need you care ? We will draw you out !* (rather in) *We'll pass your Accounts, never fear it.* This is a most impudent Insult upon the Laws.

Ibid. pag, 13. ‘ The Overseers of St. Leonard’s Shoreditch, thought fit to chuse me an Overseer, upon which I accepted of the Place. The Overseers and I were called by the Church-Warden to an Ale-house. Before we parted we desir’d to know what was to pay ; but the Church-Warden, being a merry

a merry One, told us there was *nothing to pay*; that
 we might pay when it came to *our Turn*; that is,
 when we have spent a pretty deal of the *Poors*
Money we may make an **OVER-RATE**, to
 reimburse ourselves — *Poor House-keepers*, that
 are not worth a Groat, maintain these Extrava-
 gancies. — I have observ'd, for making Books,
 in two Hours Time at an *Ale-house*, above Seven
 Pound spent, when a Crown would have done.
 These are the People who are loath to relieve a
 poor Man, from Taxes, that is not able to pay
 his Debts. Even the *Justices* encourage 'em;
 for the latter Part of my Time we summon'd
 several *Poor House-keepers*, who complain'd they
 were unable to pay towards the Maintenance of the
 Poor: They were brought before two of our
 Justices, who could hear their dismal Complaints,
 but answer'd, they COULD NOT RELIEVE 'EM; —
 they should appeal to the Quarter-Sessions for
 Relief. But they could grant a *Warrant* to make
Distress: Or better say, to *rob* those poor Crea-
 tures of what was *not their own*. I may well say,
rob, by Reason, in my Precinct, I was in Company
 with the Church-wardens and others to serve a
Warrant of Distress for 4 s. 6 d.; and, after we
 had made the *Distress*, the *poor Creature*, who had
 more need to be reliev'd than to have any Thing
 took from him, was obliged to borrow 4 s. 4 d. of
 his Neighbours till he could pay it 'em, to release
 his Goods. Afterwards we went to an *Ale-house*
 on *Parish Business*, as they call it, and spent 8 s. 8 d.
 For my part, I reckon that was two Robberies
 committed, One on the *poor Man*, the Other on
 the *Poor of the Parish*. — I think the *Justices* are
 as guilty as them, to PASS such Accounts. I think
 it would be very proper that the KING and PAR-
 LIAMENT would take it into Consideration, and
 interpret how poor a Man must be to be reliev'd
 (from *Parish-Taxes*). — Some may ask, how I

came to partake of these Doings? My answer is,
I could not help it till now.

Ibid. pag. 9. ‘ When I have reproach’d ‘em with spending the Poors Money; they have answer’d me: *What! would you have us look after the Poor and no Refreshment?* Barbarous Language! That poor House-keepers, unable to pay their Debts, must fill the Guts of such sort of Men!’

A little farther, he tells us, ‘ the VESTRY allows so much to be spent when they pass their Accounts’. Upon which he thus descants; ‘ For my part, I have found no Laws in England, that allow any such Thing. Nor have I, in all my Travels, found a Roman, nor Jew, nor Lutheran, nor Calvinist, nor any other sort of Believers, that ever did spend the Poors Money: But the Churchwardens and Overseers (i. e. those who act in the Place of such) amongst them are out of Pocket by their Goodness, where they have found it was extraordinarily wanted. And it is to be observ’d in all Believers (I take it, he intends, all other Professions) that they take care of their Poor, and do not oppress poor House-keepers amongst them; and tho’ themselves contribute towards the Maintenance of the Church of England’s Poor, the Church of England’s Officers do not the same, nor the Justices; for they oppress the Poor, and will not relieve them: Witness the French and the Dissenters.’

Concerning the First, this Author cites a Letter from the Daily-Post, of Dec. 9. 1737; sent by an English Gentleman at Paris, to his Friend in London: In which are the following remarkable Expressions.

‘ The frequent luxurious and drunken Feasts of the Parish-Officers in London and Westminster are Things absolutely unknown here; nor is it in the Power of any Man entrusted with the Money given to Charitable Uses, to employ it to any other Purpose, either for indulging his Luxury, or increasing the

' the Substance of his Family. To prevent either of
 ' these Abuses, the Regulations are admirable; and
 ' indelible Infamy, besides corporal Punishment, would
 ' be the Portion of any Parish-Officer in France, that
 ' should defraud the Poor, but to the Value of a
 ' Bottle of Wine: But when shall we see so much
 ' Virtue of this Kind, re-establish'd in England?
 ' When we make Laws in Britain, either for refor-
 ' ming any notorious Abuses, or encouraging Acts
 ' of Virtue and Piety, the first Thing consider'd of,
 ' by but too many of those appointed to put them
 ' in Execution, is, HOW TO MAKE A PENNY OF
 ' THEM: This is the great *Nostrum*, which most
 ' of our Parish-Officers aim to arrive at, while the
 ' Poor are but little the better for any additional
 ' Laws made in their Favour.

For the Second; (*Moreton, P. T.* pag. 14.) has this Observation.

' We, says he, are a Reproach to the People
 ' call'd Quakers, and they an Example to us; for
 ' they not only contribute to maintain our Poor, but
 ' entirely support their own, who dare not take Alms
 ' of a Parish on Pain of being excluded from a-
 ' mong 'em. The Heads, (more properly, the Ge-
 ' nerality) of these People have their Monthly
 ' Meetings, where all Affairs relating to their Poor are
 ' settled, without a Multiplicity of Rates, as in our
 ' Case.' (He might have said without any Thing like
 Rates; for there is no Constraint amongst them,
 every One is left to his Freedom.) ' And I am
 well assur'd there is not One Farthing of the pub-
 ' lic Money expended; but if any among them take
 a Glass after the Meeting is over, every Man pays
 his Club out of his own Pocket.'

Many other Complaints are made against the Male-Practice of these Officers on various Occasions. *Burton* (*Purge*, pag. 2.) informs us, ' A great many poor Infants, and expos'd Bastard-Children were inhumanly suffer'd to die by the Barbarity of

‘ Parish-Nurses, who are a sort of People void of
 ‘ Commiseration and Religion, hir’d by the Church-
 ‘ wardens to take off a Burden from the Parish, at the
 ‘ cheapest Rates they can ; and those know the
 ‘ Manner of doing it effectually, as by the BURIAL-
 ‘ Books may evidently appear.’ A most barbarous
 ‘ and flagrant Enormity ! And, most infamous to
 be suffer’d in a Christian Country ! Of this, says
 Moreton, pag. 19. ‘ Some indeed are more barefac’d,
 ‘ and make even a Trade of a Parish ; I mean those
 ‘ Church-wardens and Vestries who lump it with
 ‘ Harlots and Whore-mongers, and take Bastards off
 ‘ their Hands at so much per Head ; for which
 ‘ they get a good Treat, from Two Guineas to Five,
 ‘ according to the Circumstances of their Chap,
 ‘ which they call Saddling the Spit ; besides a good
 ‘ round Sum with the Bantling, which, ’tis to be
 ‘ fear’d, is entirely funk, all this being done by Con-
 ‘ nivance. I must indeed justify them, so far in the
 ‘ Affair, that their Care ought to be commended in
 ‘ putting the poor Children out to those they call
 ‘ God Almighty’s Nurses. I would fain ask by what
 ‘ Charter they hold this HELLISH COMMERCE,
 ‘ and become the DEVIL’S BROKERS ?’ I shall
 leave them to answer that ; and proceed to other
 Abuses.

Burfot, in his Purge, pag. 2. tells us, at the Time
 ‘ when he writ that Piece, ‘ The Money collected
 ‘ by Voluntary Contributions the last excessive cold
 ‘ Winter, in Order to the Relief of the Poor had,
 ‘ not been distributed according to the said Charitable
 ‘ Intention : But in many Parishes, says he, remains
 ‘ undistributed to this Day ; some being carried into
 ‘ the Chamber of London, from whence it is not
 ‘ easily retriev’d within any competent Time ; so
 ‘ that Multitudes of Poor, who ought to have been
 ‘ reliev’d, were STARV'D TO DEATH during that
 ‘ rigorous Season : Which appears by the large
Increase

' Increase of the Bills of Mortality about that Time.'

'Tis certain the *Royal Family*, and many other *Noble Spirits* have open'd their Purses, and dispes'd largely at such pinching Times ; most certainly, in a compassionate Sence, and with a charitable Design to afford the *Needy* a *present Relief*. How base, how barbarous is it in those, who are entrusted with the Distribution of these Donations, to *pervert* 'em to other Uses, or *protract* the Time of their Delivery ! Such Delays are a plain Indication the Money is fell into bad Hands, who neither care nor mean to part with it, if they can help it. Are such Men to be trusted with the publick Money, or the Care of their Fellow-Mortals, whose Actions declare them to be without *Christian Compassion*, the Bowels of *Humanity*, or even *moral Honesty*? I can't but imagine, there is a great Analogy between the Actions of These; and the scandalous Practice of those *Roman Knights Juvenal calls Harpies.* ' He calls the *Roman Knights Harpies*, or *Devourers*, says Dryden, In those Days the Rich made Doles intended for the Poor ; but the Great were either so covetous, or so needy, that they came in their Litters to demand their Shares of the Largef : And thereby prevented and starved the Poor.' Dryden's Notes on the first Satyr of Juvenal.

Another Abuse we have in *Burfat, Purge p. 2.*
 ' The INCREASE OF BEGGARS, lusty idle Men and Women, Vagabonds, &c. is altogether owing to the Negligence of those that should remedy it, and of the Parish-Officers, who take no Care to purge their Parishes of such Vagrants, but connive at 'em on Purpose that such appearing Objects of Charity may give a fair Pretence to those Yearly exorbitant Collections of all Kinds. This Kind of Beggars receive little or no settled Parish-Alms; but live upon what they can extort by their Cries and'

‘ and Importunities in the Streets and at the Coaches
‘ Sides.’

This Abuse is very troublesome and notorious ; besides I have been credibly informed, in some Parishes, they make a lawless Practice of letting the Poor out of the Work-houses upon some extraordinary Occasions ; as at Marriages, Funerals, &c. thereby giving them the Liberty illegally to invade the Persons, Doors, and Tables of those who contribute to their Maintenance in a different Manner. This is defeating the Design for which Work-houses were erected ; i. e. To make full Provision for the Poor, and to clear the Streets of those Importunities, and Objects so disagreeable, troublesome, and sometimes dangerous to Persons of both Sexes.

Another, which Moreton calls, a very great Abuse, is says he, ‘ That many noble Charities are sunk and swallow’d up by these Villains, who basely wrong the Indigent living, and sacrilegiously pervert the Donations of the Dead. What a Scene of Villany would be open’d, were a strict Inquisition made of the Charities and pious Gifts left to the several Parishes. Were Commissioners instituted by the Government, who should make a general Inspection into all Parochial Legacies, and a strict Enquiry after publick Charities sunk or mis-apply’d, doubtless they would bring many lost Charities to Light, and, by an exact Register and Recollection, save many more noble Gifts from Abuse and Oblivion.’ — Were such Charities PUBLICKLY RECORDED and PUBLICK COPIES EXHIBITED, it would be impossible to conceal or abuse ‘em. Those, who had any Claim to ‘em, need but make out their Title before the Commissioners and be satisfy’d. Whereas Application to Church-wardens is in a Manner fruitless ; so imperious are they in their Carriage : They brow-beat whoever applies to ‘em, and seldom or never return a satisfactory Answer.

‘ And

‘ And tho’ many Charities are yet kept up to outward Appearance, yet such Abuses are crept in as stand in much need of Amendment. Every Hospital Alms-house, &c. should therefore be visited— The Will of the Donor and the Rental inspected, and strict Enquiry made whether the Objects of such Charity have had Justice done ‘em or no, whether they have not been abridg’d in their Allowance, Diet, Cloaths, &c. If so, for what Reason, and whether the Steward, Manciple, or other commanding Officer has not ek’d out his Perquisites with the Pensioners Properties.’ Par. T. pag. 24, 25.

‘ There is another Devilish Practice among these Blood-suckers, says he, pag. 15. which they call BIRDING, that is to say, picking up Fines ; which indeed pay for Birds and Bottles of Wine. Every now and then they rummage the Parish, and prick down those whom they are sure will fine for Offices ; nor shall a young Beginner scarce be settled but the old Ones have a Hawk’s-Eye upon him ; and if they find him more inclinable to fine than serve, he is sure to be their immediate Prey’.

This gross Abuse is very common, and extremely complain’d of in General ; especially in the Case of the Petty-Constable’s Office : Which, according to the present Mis-rule in many Parishes, is render’d a publick Grievance, and the great Oppression, and sometimes Ruin of the Poor and middling sort of People. In Consideration of this, Moreton calls the Constable’s Office, as I have * elsewhere observ’d, ‘ The Vestry-Revenge, always bestow’d on those who mutiny ; and moreover a rare Raw-bead and Bloody-bones to frighten Fines out of quiet People. Instead, says he, of making substantial House-keepers break their Rest, endanger their Healths and Lives, neglect their Business, and oftentimes run

* In the Pamphlet entitled *British Liberty*.

‘ into expensive Law-suits, thro’ Ignorance ; I think
 ‘ it much more adviseable for a Parish, that accord-
 ‘ ing to the Bigness thereof, Two or more decay’d
 ‘ Parishioners be made Constables, during good Be-
 ‘ haviour : That they be allow’d Twenty or
 ‘ Thirty Pounds *per Ann.* each, which with the
 ‘ common Allowance for serving Warrants, &c.
 ‘ may afford a comfortable Subsistence for many
 ‘ reduc’d Tradesmen, and their Families, who other-
 ‘ wise would be chargeable to the Parish’.

This Proposal, seems in my Apprehension, to be not only very reasonable, but very necessary to be comply’d with and push’d forward by all wise and honest Householders : Not only for the Reasons mentioned in this Citation, but also because it would infallibly put an End to that great Abuse and Oppression of *fining* so largely for being exempted from serving the Office. *Ten Pounds* a-piece is the common Fine, and those in the *Secret* generally take Care to make sure of such a Number of those who chuse to decline the Office as to receive *Ten, or Eleven times Ten*, upon this Occasion. I would just take the Liberty to ask the Reciveers, To whom does these Fines *rightfully belong*? And to what *Uses* are they apply’d? For *BIRDING* and *BIBING* with the Publick Money are NO LEGAL PRACTICES. I would ask too, where’s the *Legality* of putting young *Beginners*, or new *Parishioners* upon Offices ?, when there are *older House-keepers* in the Parish, of equal or superior Ability, who have *never have serv’d these Offices*? The Law tells us, a *Constable* is not to be chosen by *House*, or by *Custom*, if *unfit* to serve the Office. To *chuse* Constables by *House-Row*, would be as unfair as it is to *tax* Parishioners by the *Rents* they pay ; because their *Abilities* are respected in neither. And to *chuse* ’em by *Custom*, that is, I take it by the *Age* of their *House-keeping* in the Parish, would be as inequitable, if the Persons were not legally qualify’d to serve the Office : but if they be qualify’d, it

it seems to me to be the *only fair and equal Manner of Proceeding* in this Case ; and if so, the *only legal one* too ; For it appears to me, the *Law* is no more than the *Expression of Reason, or Reason made Verbal* as near as may be ; but, as the best Words can't come perfectly up to our *Ideas*, nor our Ideas reach every Accident that may happen, it is impossible the *Letter* should decide all Cases ; therefore there is much left to be supply'd by *Judgment* : *Just Judgment* ; sometimes called *Reason*, sometimes *Universal Equity*, and sometimes *Moral Fitness* or the *Law of Nature*. This *Judgment* never warps from the *Design* of the *Law* ; For says the Lord Chief Justice *Cook*, ' *REASON* is 'the *Foundation of Law*.' The *Law* then is but declaratory of it, and those who turn the *Law* against it are guilty of abusing the *Law*, and consequently are liable to the *Lash* of it.

I would take the *Liberty*, now I am upon this Subject, to step a little out of my Way to give the Constables a little necessary Advice. In the first Place, I would have them consider what *Risques they run* in demanding the *Head-pence* : Should any Body prosecute them, they may assure themselves, neither that *Form of a Warrant* by which they may falsely imagine themselves to be invested with Authority, nor their *High-Constable*, either would from his *Goodness*, or could from his Ability, at all indemnify them ; for he could not avoid the Rigour of the *Law* himself upon such an Occasion. If it be reply'd, a *Penny's* such a Trifle no Body will trouble themselves to go to *Law* for it. I answer ; 'Tis true a Penny is a Trifle, but *50l* is something considerable : 'Tis *100l Fine* to demand it, *One Half* to the King, the *Other to the Prosecutor* ; and considering how many have run great *Risques* for *much less* in giving *Informations* against such as offend against the *Act* upon *Spirituous Liquors*, 'tis a Wonder none have turn'd their *Zeal* against the Offenders in *this* and other Cases of like Consequence, whence such

*large Moyeties arise to the Prosecutor, and less Disgrace
in the Consequence.*

Another Thing I would remark to them is, the great Complaints made against the *unequal Manner of Billeting Soldiers*, especially within the Precinct of the Bills of Mortality. In the Mutiny and Desertion Act made the 12th of Queen Anne, and likewise in that of the 1st of King George I. it was enacted that, ‘ They shall be distributed, quarter’d, ‘ and billeted with as much *Equality* as may be, and ‘ so dispos’d, that there may not be more than *One Non-commission Officer, or Soldier quarter’d and billeted in any One House*. And, in Consideration there are in the Precinct a much *greater Number* of Publick-houses liable to receive and quarter Soldiers, than there are Soldiers to be quarter’d, this Clause seems to be since omitted in the late Acts for this Purpose. Be that how it may, ‘tis certainly the Intention of the Legislature, that they be quarter’d *as equally as may be*. Some, who take upon them the sole Management of this Affair, seem to understand these Words in a *less extensive Sense*: As *equally as may be*: That is, as *equally as may be*, consistent with the *private Interest* of the Billeter. Accordingly a great Number of Publick-houses have *Two impos’d* upon them, while Others are exempted from having *any at all*; and *these* are instructed to keep the *Secret*, and pretend otherwise if any, but a particular Friend, should enquire into the Matter. But as there are many more Publick-houses than Soldiers within the *Bills*, exclusive of the City of London, every Person, who has *more than One*, may be sure he is *impos’d on*; and by every Act of Parliament of this Nature, it is ordain’d, ‘ That Persons aggriev’d may complain to the Justices, and be reliev’d.’ And that the Justices may be able to make a right Judgment in these Cases, in the last Act of this Kind, it is ordain’d, ‘ Any One or more Justices may command any High-Constable, Constable,

stable, &c; to give an Account in Writing, of the Number of Officers and Soldiers billeted by them, and also of the Names of the Persons on whom they are billeted, with the Street, or Place where they dwell, and the Signs if any; that it may appear where the Officers and Soldiers are quarter'd, the better to prevent, and punish all Abuses in Billeting them.'

Before I conclude this Chapter, I would take Notice of an Abuse or Two of the Parish-Officers not yet touch'd upon in this Discourse.

Sadler, pag. 51. &c. ' It cannot but affect every Honest-man, to see his poor Neighbour labouring under narrow Circumstances, to maintain a large Family, wreck'd and borras'd by a Gang of Mercenaries; for here, perhaps, is a poor Widow, left with Four or Five Children, wanting Bread sometimes to eat, and a Man struggling under the same Circumstances, that has made away with the greatest Part of his Effects for Sustenance, nevertheless these Officers must have their Fees (as they call 'em) if you are obliged to sell the Bed from under you, and go a Begging from Door to Doar, as too many by their Oppressions hav'd been forc'd to do; for the last Shift is to go to the Church-Wardens, and beg and pray for the Ground, of them to Bury a Corps; after that, you must make your Application to the Minister, and Clerk, and beg their Fees, tho' there is none due, that I could ever find; and you may perhaps at last (after waiting their Leisure) obtain Leave to bury your Dead, altho' the Funeral Service is generally curtail'd, and gallop'd over, as if the Soul of the Deceas'd was of less Value, because he dy'd Poor. But if you are determin'd to protest against such irregular and undue Proceedings, you must take care to make your Offering to the Minister; that is, you must give him somewhat for Performing the Office: If it is but a Penny it is an Offering, and will

will indemnify you; for was he to sue you afterwards for his *Fee* (as they call it) he is punishable by the Statute 25 of Ed. 3. confirm'd by 13 Ric. 2. chap. 2, 3. The Penalty of this Act is, they forfeit all their *Lands, Livings, Goods and Chattels*, and suffer *perpetual Imprisonment*, or you may have a *Mandamus* from the King's Bench to make 'em shew Cause why they demand the Money. But the Clerk has neither *Offering* nor *Fees* of any Kind whatsoever due. You may likewise have a *Mandamus* against the *Church-Wardens* for their Demands, either for the Use of the Bell, or any Thing else belonging to the Church.' A little further he says, ' the Parochial Table of Fees never had the Sanction of the Legislature, but were batch'd in the Vestry, for the Benefit of Good-Living in the Tavern.'

CHAP. IV.

Of their Abuses with Regard to their ACCOU NTS.

HIST. Acct. p. 38. ' Those who have serv'd the Office of Church-Warden are a Majority, and they appoint Auditors of the Accounts, who will, no doubt, be willing to favour others, as they have been favour'd themselves.' What fair Play the Parishioners have here! Their Oppressors select one another into the Office, the *Older abuse the Younger*, teach them how to abuse their Trust, and, jointly with their own true Justices, pass their Accounts too! That is, pass them by. ' For them to collect what they think fit, to distribute it as they think fit, and to give what Account they think fit is intolerable.' Moreton p. 7.

Ibid.

Ibid. 'Why are not their Books open to general Inspection, that we may see, by whom the Money is paid, to whom it is paid, and whether any is left to be carry'd on to another Quarter, and lessen the succeeding Charge? This would be but fair Dealing, and, I think, reasonable Satisfaction to be given us for our Money. But there are too many PARISH FEASTS to admit of such honest Administrations: The Spit is too often Saddled, and the Bottle goes too merrily round, for the Ease of the Parishioners. Surely there must be a great Fatigue in Parish-Affairs, where so much Refreshment is requir'd, and no small private Gain, when they are so eager, and severe in their Collections.'

Sadler, pag. 28. 'If any Parishioner is inquisitive and desirous to know what is done with the Money, it is Ten to One he is stigmatiz'd with some opprobrious Names, and counted an ignorant and impertinent Blockhead; and they look upon it as a great Condescension in them, if they admit you to a Sight of the Brick-layers and Carpenters Bills.'

Agreeable to this the Author of the Letter, in the Grub-street Journal before-cited, tells us; 'Their Proceedings are generally *in secret*; but, says he, I happen'd, not long ago, to get a View of the Overseers annual Collection, and a Sketch of an Account stated thus by the Vestry.

	l. s. d.	l. s. d.
' Received by Five Collecting Books	{ 5554 3 3	} 6112 5 0
' Ditto, otherwise	558 1 9	
' Disbursed to Orphans	562 1 0	
' Ditto, to Pensioners	2229 4 0	} 5736 8 5
' Ditto, to extraordinary	2945 3 5	
		Ballance
		375 16 7

The

The Author observes, the *Ditto extraordinary* is near One Half of the Collection. And a little further he says, ‘ These are the Gentlemen who under this Title part the Raiment of the Poor among ‘em; and yet must needs be call’d the Dons of the Parish.’

Tho’ this *Ditto extraordinary* be a very extraordinary *Ditto*, Yet we find some other Accounts have come to Light no less extraordinary than this. In *Barfoot’s Purge*, page 2. we find the following Collection. ‘ Here follows, says he, an Account how some Church-wardens, &c. apply’d the Poors Money in the Years 1712, -13 and 14, in the Parish of St. Martin’s in the Fields.

First Account, for the Year 1712.

	l. s. d.
‘ Expences at Taverns, with Lectors, ‘ Ministers, Justices, Overseers, Vestry-men, &c. ——	72 19 7
‘ Paid the Clerk of the Vestry ——	10 0 0
‘ Paid <i>Ditto</i> , his Bills for Work done	83 8 0
‘ Paid for Bread & Wine, for the Sacrament	87 9 2
‘ (Near the same Sum is charg’d every Year, ‘ tho’ ‘tis well known that in the ‘ Year 1714, there were about Two ‘ Thousand Communicants more, than ‘ in 1712, in Order to their Qualifications.) ——	
‘ For 69 Dozen of Candles (for about ‘ Three Monib, at near 7d. per Pound, ‘ before the last Duty was laid on ‘ them) ——	23 5 8
‘ The Sexton’s Bill for Necessaries, Chipping, &c. ——	22 13 8
‘ The Ringers for Sackeverel’s Restoration	0 10 0

Second

Second Account, for 1713.

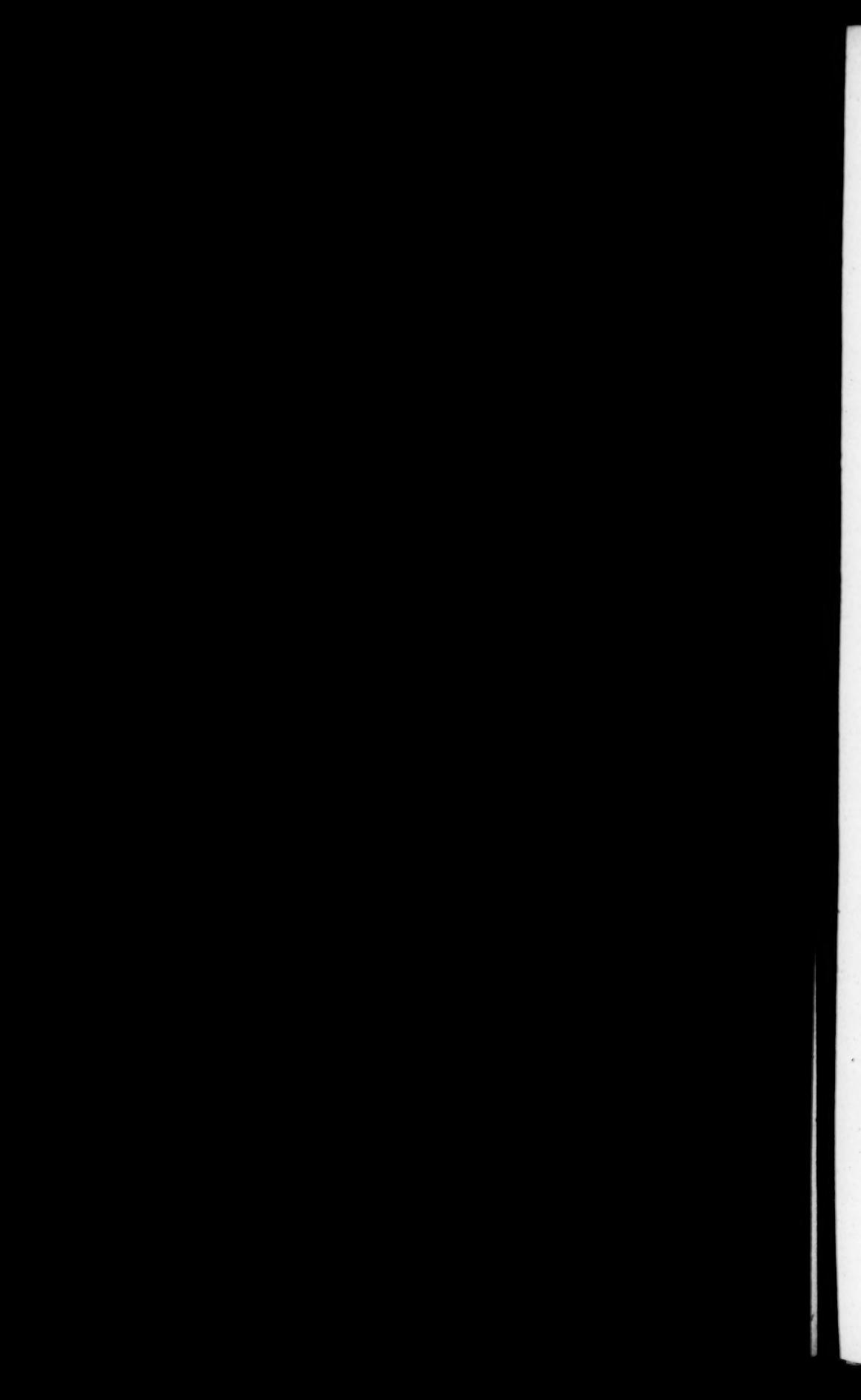
	l. s. d.
* Spent at many Meetings on Vestry-men, &c.	65 0 4
* To the Clerk of the Vestry	10 0 0
* Paid him for examining the Poor	170 16 10
* To Serjeant Cheshire, and Darnel, Fees	6 12 2
* Boards to the Grave-Digger (in one Year)	4 2 0
* For Sacrament Wine (the Bills not seen)	88 10 0
* Paid towards a Robbery	21 14 0

(By the Position of this last Article, some may be ready to imagine, the Money was paid towards the Encouragement of some Robbery, and consequently that it must be some Parish-Robbery; but, to guard the Reader against such a false Surmise, I would have him understand, it was paid towards the Prosecution of some Petty-Robber, for all it may seem to stand so awkwardly in the Account.)

	l. s. d.
* For Two new Hoods and Making	2 4 0
* For Paving (tho' paid by the Surveyors)	6 2 0
* For 55 dozen of Candles, at 7s per doz.	22 0 0
* Paid Mr. Harcourt of the Crown Office	15 5 5
* Paid Sir Thomas Cross for passing Vagrants	19 4 7
* Paid for Acquittances	0 8 0
* Receiv'd by an Assessment upon the Parish for Repairs of Bridges, and Robberies	143 19 0
* Paid out of that Sum but	91 2 5
* Remains due	52 16 7
* The Rent of Oxenden Chappel	30 0 0
* (This ought to be paid out of the PewMoney)	Tbird

<i>Third Account for 1714.</i>	
‘ Paid Mrs. Mayor to quit her House (that ‘ the Church-Warden might take it	10 0 0
‘ Paid for the Repairs of the said House ‘ (by Ditto Church-Warden for his ‘ own Use) _____	100 0 0
‘ Spent by Ditto on several Vestry-Men and Overseers _____	72 0 0
‘ Spent by Ditto, at One Dinner at the Mul- berry-Garden _____	49 13 4
‘ Paid by Ditto, for Sacrament Wine (of ‘ which a great Part was drank in ‘ the Vestry) _____	90 0 0
‘ Paid Mr. Braman, Upholdster (the pre- sent Church Warden) for an unne- cessary Screen, (not worth half the Money) _____	8 15 0
‘ And for (Two Hours) use of some (dirty) ‘ strip'd Hangings _____	2 0 0
‘ His whole Bill is _____	44 0 0
‘ (Bought of himself, and) paid by his Fel- low-Warden _____	10 15 0
‘ To the Clerk of the Vestry	10 0 0
‘ Paid Ditto, for examining the Settlements ‘ of some Poor _____	115 0 0
‘ Paid for a Draught (on a Sheet of Paper) ‘ of a Spot of Ground (which any Bricklayer would have done for 4d.)	5 7 6
‘ New Casting some Bells, paid yet only ‘ in Part _____	150 0 0
‘ Spent at the King's Entry on some Justices	3 15 0
‘ Paid Ministers assisting the Reader, spent ‘ in Two Dinners _____	6 9 2
‘ Spent going to Hicks's Hall, about a Bas- tard Child _____	2 7 0
‘ For 62 Dozen of Candles (burnt in the Church in Three Months, tho' the Funerals find their own] _____	20 8 4
By	





By this Specimen Parishioners may see the gross Abuses and impudent Wrongs they suffer to be impos'd upon them ; and how much it behoves them to search into the Accounts of their *Oppressors*, and oblige *them* to refund the Money they *spend* or *misapply* ; for it is in their Power, as I have shew'd in the First Part of this Discourse. 'Tis not for the Parishioners to depend upon the *Vestry Justices*, when they can *pass* such *monstrous Accounts* as these.

The principal Study of *Select Vestries* plainly appears by their Practice to be, how many Ways they may wrong the Poor, and middling Sort of Parishioners with Impunity : How they may best drain the *Parish* to *enrich* and *feed themselves*. And truly they have not wanted for Invention : *Satan* seems to have been pretty near 'em. He has abundantly supply'd the Vacuity of *Wisdom* with *Craft* and *Impudence*, and that of *Honesty* with *something else*. Yet, tho' he has done a great Deal for them, he can't *screen* their Practices : The Print of his *Cloven Foot* appears daily more and more ; and it is a shrewd Sign, when he lifts it up so high, he's ready to leave them in the Lurch.

Moreton demands, what becomes of the Overplus Money ? *Burges* answers (p. 45.) ‘ You must stay till you are Church-Warden, and then you may enter an Account of it ; but if you be honest and bring a great Deal of Money back, they laugh and smile, and look upon it, it will serve *them* most excellently. The Church-Warden next Year adds more to it, so it may be but a Secret among 'em. There may be Thirty or Forty of those that keep the Secret, and about as many more that connive at 'em, and get a Share of this Overplus Money. When I have shew'd this to a good honest Church-Warden, he told me ; *Peter*, you have made no Provision for the Church-Wardens; you ought to observe, they make always a *Discount* of above 25

‘ per Cent. Sir, says I, I can find no Law for such
 ‘ Poundage ; but I can find a Law to make them pay
 ‘ Three Shillings for One. He replies ; Our Church-
 ‘ Warden has received 20 Shillings and hath spent
 ‘ 10. Sir, says I, that is Half Poundage ; and so
 ‘ we parted.’

This was One of your honest Church-Wardens : By which we may gather there may be honest Knaves. The Difference between an honest and a roguish Knave seems to be this ; Your roguish Knave is a Hypocrite, One that affects the Mask of Honesty, and cheats underhand ; and the honest Knave is one who has the Impudence to wrong a Person or a Parish bare-faced, and laugh at 'em when he has done. According to Burfot, both Sorts art requisite to compose a Select Vestry, of the present Mode ; or at least some of both Sorts are to be found amongst the Select. Moreton seems to be of the same Opinion ; for he says (p. 11.) ‘ they boggle at Nothing, no not the Ruin of whole Families, many Parishes are up to the Ears in Debt, poor Tradesmen are kept out of their Money Year after Year, and who can they sue ? Why the Parish, What do they get ? Why Nothing. Is it not an easy Matter for a Vestry to go to Law, when it has the Parish Money at Command. In short they are quick to contract, slow to pay ; severe in assessing, unrelenting in redressing. What Tyrants would these Men be, were more Power lodg'd in their Hands.’



The CONCLUSION.

BY comparing the Exhibitions and Complaints in this *Second Part* of this Discourse, with the Rules and Reasons laid down in the *First*, the ingenuous Reader may observe, how enormously opposite the vulgar Practice of many Officers of Parishes has been to their Duty.

In the First Part, I have shew'd they ought to over-see, not over-bear; to guard and ease, not oppress and devour their Fellow-Parishioners: That they are *not* Officers of COMMAND, but TRUST; therefore accountable, and, in Case of Abuse, liable to Prosecution: That, *legally*, they can neither *make*, nor *alter* Laws; but are oblig'd to act, and liable to suffer according to the Tenor of those already provided.

I have, likewise, in the Second Part, dwelt a little upon their Abuses. I have shew'd how they arrogate to themselves the Stile of Masters of the Parishes, and act like *Moguls* and Tyrants in them, Lords over them, and absolute Rulers of the Laws both of God and Man: In short, how they grind the Poor, wrong the Needy, abuse the Charity of the Benevolent, turn their Duty into a *Farce* and a *Riot*, and make a *Trade* of their Office.

'Tis true too many are guilty of Trafficking in their Offices. Some buy 'em with that View; and these seem to have some Colour of Right to sell the People, tho' 'tis a wicked One. But such

Parish-Officers as I have been treating of are more unjust than these ; in making Money of the People without ever buying 'em. It may be reply'd, they pay dear enough for their Traffick. Aye ; dearer perhaps than they imagine : *Conscience* and *Honour* are a great Price to give for a little corrupt *Dirt* and *Guzzle*. 'Tis an infallible Sign of a dishonest, mean, and pitiful Spirit in those who are guilty. Are such fit for *leading Men* ? What Examples can they give who follow the worst themselves ? The Reverse of Equity appears in all their Actions. The Cries of the Poor, the Sense of Mankind, and the Laws of God and Man are against them. Since they have been guilty of committing such egregious Abuses, in every Circumstance of their Duty, it is high Time for the Oppressed to seek a Legal Remedy ; and, in Case of the Deficiency of the Laws in Being, to remonstrate their Grievances, and apply to the Legislature for such as shall be sufficient to restrain the Exorbitancies of these PETTY-TYRANTS, and PARISH-CANNIBALS ; and oblige them to act with Humanity, and render to every One his due. That the whole may be put upon a just and equal Footing, it appears to me, to be necessary :

1. That Parish-Officers and Vestry-men be Persons of Substance, Sense, and Character.
2. That they be elected by a Majority of such Parishioners as pay Assessments.
3. That Vestry-men be chose Annually, as the Rest of Parish-Officers are ; or at least that One half of them be so elected, that they may be half old and half new, as it is with the Managers belonging to some of our great Companies.
4. That it be settled how much a Parishioner shall be worth, that may be oblig'd to pay Assessments.

5. That

5. That every One be taxed according to his Ability, or Substance in the Parish. If it be ask'd, how shall the Officers know the Ability of every One? I answer. Let the Officers rate them according to their visible or probable Substance, and if they find themselves aggrev'd, and make Affidavit they are not of such Ability, let them be eased in the Taxation, and rated according to their acknowledg'd Worth.

6. To save the Charge of many Books, and the Trouble of Collecting, that Each of the Parishioners have sufficient Notice of the Time and Place, when and where to bring in their respective Assessments, and upon their Failure to be distrain'd upon according to Law; unless they appear before the Time appointed with their Plea of Insufficiency or Poverty.

7. That the Taxes, rated upon the Parish for any Occasion, be as little above the Sufficiency of the Occasion as possible.

8. That the Over-plus be deliver'd in upon the Days of Account.

9. That Accounts be given Yearly, according to Law, and that in every Article be particularly express'd, the Time when, the Persons of, or to whom and the Occasion for which, or upon what Account the Publick Money was either received or disburs'd.

10. That all such Accounts be liable to the Inspection of every helpful Parishioner.

11. That if any Officer or Officers produce illegal Accounts, he or they be oblig'd to make proper Satisfaction, or otherwise to be prosecuted according to Law.

12. If the Justices pass such illegal Accounts, that such Justices be incapacitated to receive Parish Accounts for the Future, and be further punished according to the Wisdom and Justice of the Legislature.

To conclude in the Words of *Moreton*, to whom I am obliged for some of these Hints (p. 35.)⁴ Thus have I specifyd how many Abuses may be remedied more may probably have escaped me, which I hope some abler Person will take in Hand. What I have offer'd is plain and practicable, and if it be not totally approved, something at least may be made out of it, but I hope the Government will take Notice of them, before the Infection reaches further, and stop this growing *Evil*; which so insenibly affects the *Working*, or *middling People*, who maintain not only those below, but those above them: And in Effect the Chief, if not the sole Support of this Kingdom.



F I N I S.

